

Message Text

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ACTION EA-12

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E.O. 11652: N/A

TAGS: SHUM, TH

SUBJECT: THE 19TH DEFENDANT

REF: BANGKOK 19621

1. IN ADDITION TO THE "THAMMASAT 18" WHO ARE BEING TRIED IN CONNECTION WITH THE EVENTS OF LAST OCTOBER 6, THERE IS A 19TH ACTIVIST WHO IS CURRENTLY ON TRIAL BEFORE THE BANGKOK CRIMINAL COURT ON CHARGES OF LESE MAJESTE, STEMMING FROM HIS ALLEGED PARTICIPATION IN A MOCK HANGIN EPISODE REGARDED BY THE GOVERNMENT AS AIMED AT THE THAI CROWN PRINCE. THE INCIDENT OCCURRED OCTOBER 4, 1976.

2. BUNCHAT SATHIANTHAM, 18, WAS FORMALLY ARRAIGNED ON MARCH 22, 1977, ON CHARGES OF LESE MAJESTE. THE TRIAL WHICH WAS INITIALLY POSTPONED FOR TWO MONTHS DUE TO SCHEDULING DIFFICULTIES, IS STILL IN PROGRESS. UPCOMING TRIAL SESSIONS ARE SCHEDULED FOR SEPT. 12 AND 26. THE DEFENDANT, BUNCHAT, REMAINS IN THE CUSTODY OF THAI AUTHORITIES. HE IS REPRESENTED BY A DEFENSE LAWYER AND, UNDER CRIMINAL COURT PROCEDURES, RETAINS THE RIGHT TO APPEAL A GUILTY VERDICT.

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3. THE CENTRAL ISSUES IN THE CASE ARE (1) THE QUESTION OF WHETHER THE MOCK HANGING WAS INTENDED TO BE AN ACT OF LESE MAJESTE OR WHETHER THE CHARADE WAS SIMPLY DESIGNED TO REGISTER A PROTEST AGAINST THE GARROTTING OF TWO ACTIVISTS IN NAKON PATHOM THE PREVIOUS WEEK, AND (2) THE EXTENT OF BUNCHAT'S PERSONAL INVOLVEMENT IN THE INCIDENT. SHOULD THE COURT FIND THAT

THE MOCK HANGING WAS NOT AN ACT OF LESE MAJESTE, IT COULD AFFECT SIMILAR CHARGES CURRENTLY PENDING AGAINST SIX OF THE "THAMMASAT 18" (REFTEL).

4. THERE HAS BEEN LITTLE RECENT PUBLICITY SURROUNDING THE BUNCHAT CASE SINCE THE MAY 30 TRIAL SESSION WHEN FORMER PRIME MINISTER SINI PRAMOT WAS CALLED TO DESCRIBE OFFICIAL REPORTS RECEIVED BY HIS OFFICE ON THE INCIDENT. SENI REPORTEDLY EXPLAINED THAT HE HAD RECEIVED POLICE REPORTS OF THE MOCK HANGING BUT HAD NOT PERSONALLY VIEWED PHOTOGRAPHS OF THE PARTICIPANTS. THE EX-PM'S TESTIMONY WAS LOW-KEYED AND IMPARTIAL, BUT NOT ESPECIALLY SUPPORTIVE OF THE PROSECUTION. IT IS TOO EARLY TO PREDICT HOW LONG THE TRIAL WILL LAST OR WHAT THE OUTCOME IS LIKELY TO BE.

COMMENT: THE BASIS FOR TRYING BUNCHAT SATHIANTHAM IN CRIMINAL COURT AND TRYING THE THAMMASAT 18 IN A MILITARY COURT APPEARS TO BE THAT BUNCHAT HAS BEEN CHARGED SOLELY WITH LESE MAJESTE, A MATTER NORMALLY HANDLED IN CRIMINAL COURT. SIX OF THE THAMMASAT 18 ARE CHARGED WITH LESE MAJESTE ARISING OUT THE THE SAME INCIDENT INVOLVING BUNCHAT. HOWEVER, THESE SIX ARE ALSO CHARGED WITH TREASON, COMMUNIST ACTIVITY, ILLEGAL POSSESSION OF FIREARMS, MURDER OF GOVERNMENT OFFICIALS (TWO POLICE OFFICERS WERE KILLED AT THAMMASAT UNIVERSITY LIMITED OFFICIAL USE

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ON OCTOBER 6), INTRUSION, AND INCITING UNREST. GOVERNMENT ANNOUNCEMENT OF SEPT. 7 STATES THAT, "SINCE MARTIAL LAW IS IN FORCE IN THAILAND AT PRESENT, HEARINGS OF THE CASES AGAINST THE 18 DEFENDANTS MUST BE HELD IN ACCORDANCE WITH THE ACT GOVERNING MILITARY COURTS (1955)" WHITEHOUSE

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